

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

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MUR 5646

)

Burton Cohen; Cohen for New

)

Hampshire and John Buchalski, in his

)

official capacity as treasurer

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CERTIFICATION

I, Darlene Harris, recording secretary of the Federal Election Commission executive session, do hereby certify that on November 14, 2007, the Commission took the following actions in the above-captioned matter:

1. Failed by a vote of 1-3 to pass a motion to:

- a) Find probable cause to believe that Burton Cohen violated 2 U.S.C. § 441i(e)(1)(A) and 11 CFR § 110.3(d).
- b) Find probable cause to believe that Cohen for New Hampshire and John Buchalski, in his official capacity as treasurer, violated 2 U.S.C. §§ 432(c), 432(h) and 439a(b).
- c) Find probable cause to believe that Cohen for New Hampshire and John Buchalski, in his official capacity as treasurer, knowingly and willfully violated 2 U.S.C. § 441i(e)(1)(A) and 11 CFR § 110.3(d).
- d) Find probable cause to believe that Cohen for New Hampshire and John Buchalski, in his official capacity as treasurer, knowingly and willfully violated 2 U.S.C. § 434(b) with respect to all reporting violations except those relating to the funds converted by Jesse Burchfield for his own personal use.
- e) Find probable cause to believe that Cohen for New Hampshire and John Buchalski, in his official capacity as treasurer, violated 2 U.S.C. § 434(b) for failing to report the funds Jesse Burchfield converted to his own personal use.
- g) Approve the appropriate letter.

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Commissioner Walther voted affirmatively for the motion. Commissioners Lenhard, Mason, and von Spakovsky dissented. Commissioner Weintraub did not vote.

2. Decided by a vote of 4-0 to:

- a) Find probable cause to believe that Burton Cohen violated 2 U.S.C. § 441i(e)(1)(A) and 11 CFR § 110.3(d).
- b) Find probable cause to believe that Cohen for New Hampshire and John Buchalski, in his official capacity as treasurer, violated 2 U.S.C. §§ 432(e), 432(h) and 439a(b).
- c) Find probable cause to believe that Cohen for New Hampshire and John Buchalski, in his official capacity as treasurer, violated 2 U.S.C. § 441i(e)(1)(A) and 11 CFR § 110.3(d).
- d) Find probable cause to believe that Cohen for New Hampshire and John Buchalski, in his official capacity as treasurer, violated 2 U.S.C. § 434(b) with respect to all reporting violations except those relating to the funds converted by Jesse Burchfield for his own personal use.
- e) Find probable cause to believe that Cohen for New Hampshire and John Buchalski, in his official capacity as treasurer, violated 2 U.S.C. § 434(b) for failing to report the funds Jesse Burchfield converted to his own personal use.

g) Approve the appropriate letter.

Commissioners Lenhard, Mason, von Spakovsky, and Walther voted affirmatively for the decision. Commissioner Weintraub did not vote.

Attest:

November 14, 2007  
Date

Darlene Harris  
Darlene Harris  
Deputy Secretary of the Commission

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